

# YOUTH SERVICES POLICY

<b>Title:</b> Mandatory Reporting of Abuse and Neglect of Youth <b>Next Annual Review Date:</b> 05/28/2017	<b>Type:</b> C. Field Operations <b>Sub Type:</b> 4. Juvenile Institutions <b>Number:</b> C.4.3
	<b>Page 1 of 8</b>
<b>References:</b> La. R.S. 9:358.1, 14:403; 23:968; Ch. C. Articles 603, 609 and 620; LSA Code of Evidence; Art. 511; AG Opinion #10-0195 dated February 10, 2011; DCFS Child Protection Policy; US DOJ PREA Standards 115.332 (b), 115.354, 115.361 (a) (b) and (d), 115.363 (a); ACA Standards 4-JCF-3D-01, 4-JCF-3D-04, 4-JCF-3D-07, 4-JCF-3D-09 (Performance-Based Standards for Juvenile Correctional Facilities) and 2-7133.1 (Juvenile Probation and Aftercare Services); YS Policies A.1.4 Investigative Services", A.1.14 "Unusual Occurrence Reports", A.2.1 "Employee Manual", B.8.3 "Volunteer Services Program", C.2.6 "Use of Interventions - Secure Care", C.2.11 "Prison Rape Elimination Act (PREA)" and C.5.1 "Performance Data and Information"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>Mary L. Livers, Deputy Secretary</i>	<b>Date of Approval:</b> 05/28/2014

## I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To provide for the safety and well-being of youth who are in the custody or under the supervision of YS.

## III. APPLICABILITY:

All employees of YS. It is each Unit Head's responsibility to implement this policy and convey its contents to all YS staff.

## IV. DEFINITIONS:

**Abuse** - Any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

- The infliction, attempted infliction, or as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person;
- The exploitation or overwork of a child by a parent or any other person;

### YS Policy No. C.4.3

#### Page 2

- The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or of the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this state.
- A coerced abortion conducted upon a child.

**Caretaker** - Any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, an operator or employee of a registered family child day care home, or other person providing a residence for the child.

**Child** - For purposes of this policy, a youth in the custody of or under the supervision of YS, who is under the age of 18 and not judicially emancipated or emancipated by marriage.

**Intern** - An advanced student or recent graduate undergoing supervised practical training.

**Mandatory Reporter** - Any of the following individuals performing their occupational duties:

- Health practitioner;
- Mental health/social service practitioner;
- Teacher or child care provider;
- Police officers or law enforcement officials;
- Commercial film and photographic print processor;
- Mediators appointed pursuant to Chapter 6 of Title IV of the Louisiana Children's Code;
- Parenting coordinator appointed pursuant to R.S. 9:358.1;
- Court-appointed special advocate (CASA) volunteer under the supervision of a CASA program, appointed pursuant to Chapter 4 of Title IV; and
- Members of the clergy, subject to the exceptions noted in La R.S. 14:403.B and Ch. C. Article 603.3(c)–;
- Organizational or youth activity provider, including administrators, employees or volunteers, which provide organized activities for children; (Refer to YS Policy No. B.8.3)
- School coaches, including but not limited to public, technical, or vocational school, community college, college or university coaches, and coaches of intramural and interscholastic athletics.

***Neglect*** - The refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment or counseling for any injury, illness or condition of the child, as a result of which the child's physical, mental or emotional health and safety is substantially threatened or impaired.

***Unit Head*** – Deputy Secretary, Facility Directors and Regional Managers.

***Unusual Occurrence Report (UOR)*** – A document that must be completed by staff to report incidents or observations of events that may have an impact on any aspect of the agency. UOR forms shall be made available to all employees, working all areas at all times. Employees must complete and submit a UOR prior to the end of their tour of duty on the day the incident was observed or comes to the employee's attention in any way. If a UOR form is not available, the employee must use any paper available to report the pertinent information. UORs may also be submitted by email. (Refer to YS Policy No. A.1.14)

***Whistleblower Protection for Reporter of Sexual Abuse*** - Protection against adverse employment action provided to an employee who reports sexual abuse of a minor by a fellow employee.

***Youth Services Employee*** - For the purposes of this policy, YS employees include contract providers, interns, educational staff, and volunteers.

## **V. POLICY:**

It is the Deputy Secretary's policy that YS staff shall abide by the mandatory reporter laws as reflected in Ch. C. Articles 603, 609, and 610; and La. R.S. 14:403 and 23:968, which require YS staff working with youth who become aware of abuse and neglect take appropriate measures based upon their belief that abuse or neglect has occurred.

The Office of Juvenile Justice (OJJ) shall ensure that youth placed under YS supervision and in its custody receives adequate and humane treatment. Crisis situations shall be managed by the principle of the **least restrictive alternative** (refer to YS Policy No. C.2.6).

In addition, all instances of suspected child abuse or neglect shall be reported to the Louisiana Department of Children and Family Services (DCFS) toll-free number 1-855-4LA-KIDS (1-855-452-5437), which is manned 24 hours a day, seven (7) days a week.

Employees who engage in lawful acts to report to law enforcement sexual abuse of a minor by a fellow employee shall be protected from adverse employment actions and employment discrimination.

## **YS Policy No. C.4.3**

### **Page 4**

It is the policy of OJJ that staff shall report incidents of abuse or neglect with no reprisals taken against the youth or the staff reporting an incident.

## **VI. REPORTING:**

All YS employees shall sign an “Acknowledgment of Duties of Mandatory Reporter” statement [see Attachment C.4.3 (a)] acknowledging that they are mandatory reporters and are aware of their obligations under the law.

As mandatory reporters, when a YS employee has cause to believe that a youth's physical or mental health or welfare is endangered, the employee must immediately report the abuse or neglect by calling the DCFS toll-free number, 1-855-4LA-KIDS (1-855-452-5437). The employee must then follow up the call to DCFS by filing a “Written Report Form for Mandated Reporters of Child Abuse/Neglect” [see Attached DCFS Form CPI-2 reissued:01/12] with the local office of the Child Protection Unit of DCFS for youth under the age of 18, following the procedures outlined below. The form may also be accessed at: <http://www.dcfs.louisiana.gov/assets/docs/searchable/OCS/CPI-2.pdf>

Licensed Social Workers are mandated under Louisiana law to report situations in which they suspect child abuse or neglect. Failure to act accordingly may result in criminal prosecution. Therefore, regardless of the interdisciplinary collaborations a social worker may be engaged in, the social worker must adhere to their professional obligations, including mandatory reporting requirements.

Third parties shall have the ability to file reports of sexual abuse/sexual harassment (refer to YS Policy No. C.2.11).

The law protects whistleblowers who report to law enforcement the sexual abuse of a minor by a fellow employee. This protection makes it unlawful for an employee to be discharged, demoted or discriminated against in any way in the terms of his employment because of lawful acts by or on behalf of the employee in reporting to law enforcement the sexual abuse of a minor by any fellow employee, whether co-worker, supervisor or subordinate. (Refer to La. R.S. 23:968.)

The reporting of false allegations by staff may result in disciplinary action or the termination of services (refer to YS Policy No. A.2.1).

## **VII. PROCEDURES FOR SECURE CARE STAFF:**

If a secure care employee has cause to believe that a youth has been abused or neglected, the employee shall immediately:

- A. Report the suspected child abuse or neglect to DCFS by calling the toll-free number, 1-855-4LA-KIDS (1-855-452-5437).

- B. Within 24 hours of the call to DCFS, complete the attached DCFS Form CPI-2, and forward it to the local Child Protection Unit, the employee's supervisor, the Facility Director, appropriate Regional

Director, and the Director and Assistant Director of Investigative Services (IS) [see Attachment C.4.3 (b) for contact information].

Staff may also use the IS Hotline [see Attachment C.4.3 (b)] to report such an incident. (Guidelines for the operations of IS has been established in YS Policy No. A.1.4.)

- C. Complete an "Unusual Occurrence Report" (UOR), to be signed by the employee's supervisor and emailed/forwarded to the Facility Director, appropriate Regional Director, and the Director and Assistant Director of IS at the email addresses noted in B. above.
- D. Copies of the DCFS form and the UOR shall be maintained in the youth's Master Record and/or JETS record. The employee shall ensure that complete details of the incident and action taken are noted in the youth's JETS record within three (3) working days.

#### **VIII. PROCEDURES FOR COMMUNITY BASED SERVICES (CBS) STAFF:**

##### **A. Supervision Cases**

1. If a CBS employee has cause to believe that a youth has been abused or neglected, the employee shall immediately report the alleged abuse or neglect to DCFS by calling the toll-free number, 1-855-4LA-KIDS (1-855-452-5437).
2. Within 24 hours of the call to DCFS, complete the attached DCFS Form CPI-2, and forward it to the local Child Protection Unit, the CBS employee's supervisor, and the Regional Manager.
3. Complete a UOR to be signed by the CBS employee's supervisor and the Regional Manager.
4. Copies of the DCFS form and the UOR shall be maintained in the youth's case record and/or JETS record. The CBS employee shall ensure that all actions taken are recorded in the youth's JETS record within three (3) working days of contacting the DCFS toll-free number.

**B. Non-Secure Facilities / Programs**

1. If a CBS employee, other than the youth's Probation and Parole Officer/Juvenile (PPO/J), is informed of or has cause to believe that an incident of abuse or neglect of a youth assigned to a contract facility/program has occurred, the CBS employee shall immediately inform the youth's PPO/J and complete a UOR.
2. The PPO/J shall contact the youth immediately upon learning of the allegation if the youth was not the source of the allegation.

When speaking with the youth, the PPO/J shall try to determine the following:

- Nature, extent, and cause of the alleged abuse or neglect, including the name of the person(s) who caused the abuse or neglect;
  - The time, place, and circumstances of the abuse or neglect;
  - Whether the youth has reported the abuse or neglect to anyone else; and
  - The names of any witnesses.
3. The PPO/J shall contact DCFS by calling the toll-free number, 1-855-4LA-KIDS (1-855-452-5437).
  4. The youth's PPO/J shall immediately notify the Facility Administrator of the information obtained from the youth and complete a UOR, if the PPO/J has not already done so.
  5. All UORs shall be forwarded to the PPO/J's supervisor (PPS) and the Regional Manager, with copies maintained in the youth's case record and/or JETS record.
  6. The Facility Administrator is also required to immediately report all instances of suspected child abuse or neglect to the DCFS toll-free number 1-855-4LA-KIDS (1-855-452-5437).

If the Facility Administrator has not reported the incident to DCFS, the PPO/J shall request that the allegation be reported immediately. The Facility Administrator's failure to report the information shall be immediately verbally reported to the PPS, the Regional Manager and the appropriate Regional Director.

The PPO/J's verbal report to the PPS, Regional Manager and Regional Director regarding the Facility Administrator's failure to report the allegation to DCFS shall be followed up with a UOR, which shall be maintained in the youth's case record and/or JETS record.

7. The PPO/J shall confirm the report in writing within 24 hours on the attached DCFS Form CPI-2, and request that the Regional Office be advised of the results of its investigation.
8. Complete details of the incident and action taken shall be noted by the PPO/J in the youth's JETS record within five (5) working days.

**C. Secure Care Facilities**

If a CBS employee is informed of or has cause to believe that an incident of abuse or neglect of a youth assigned to a secure care facility operated by or contracted with OJJ has occurred, the CBS employee shall contact the Facility Director and the Director and Assistant Director of IS to determine if the incident has been reported and/or is currently under investigation.

If the incident has been reported and/or is under investigation no further action by the CBS employee is required.

If the CBS employee learns that the incident has not been reported or is not under investigation, the employee shall complete the following steps:

1. Contact DCFS by calling the toll-free number, 1-855-4LA-KIDS (1-855-452-5437).
2. Complete the attached DCFS Form CPI-2 and forward it to the local Child Protection Unit, the CBS employee's supervisor, the Regional Manager, appropriate Regional Director, Facility Director and Central Office IS.
3. Complete a UOR, to be signed by the CBS employee's supervisor, and emailed to the Regional Manager, appropriate Regional Director, Facility Director, and the Director and Assistant Director of IS at the email addresses noted in VII. B. above.
4. Copies of the DCFS form and the UOR shall be maintained in the youth's case record and/or JETS record. Complete details of the incident and action taken shall be noted in the youth's JETS record within three (3) working days of the initial contact with the youth.

**IX. STAFF DEVELOPMENT:**

- A. All Central Office, Secure Care and CBS staff shall receive pre-service and in-service training on this policy. The training shall be documented and entered in the TREC database.
- B. All contract provider pre-service and in-service training shall be documented and maintained by the contract provider.
- C. All intern pre-service and in-service training shall be documented and maintained by the unit's Staff Development Training Specialist/Unit Training Officer.
- D. All volunteer pre-service and in-service training shall be documented and maintained by the unit's Volunteer Services Coordinator.

**Previous Regulation/Policy Number:** C.4.3

**Previous Effective Date:** 02/04/2013



**Attachments/References:** C.4.3 (a) Acknowledgement of Duties of Mandatory Report May2014.docx



C.4.3 (b) Contact Information May2014.doc    DCFS-CPI-2 01-12.pdf